

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROGER STUART, ¹	§
	§ No. 40, 2022
Petitioner Below,	§
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware
PATRICIA DAVIS STUART,	§
	§ File No. CN20-04237
Respondent Below,	§ Petition No. 20-22126
Appellee.	§

Submitted: February 22, 2022

Decided: February 24, 2022

ORDER

On February 7, 2022, Roger Stuart filed an appeal from the Family Court’s February 1, 2022 order addressing pre-trial issues. On February 8, 2022, the Chief Deputy Clerk issued a notice, sent by certified mail, to Stuart to show cause why his appeal should not be dismissed for his failure to comply with Rule 42 when taking an appeal from an apparent interlocutory order. The United States Postal Service tracking information sheet indicates that the notice was delivered to an individual at Stuart’s address on February 10, 2022. A timely response to the notice to show cause was due on or before February 21, 2022.² To date, Stuart has not responded

¹ The Court previously assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

² Because the tenth day fell on a Sunday—February 20, 2022—a response to the notice to show cause was due by the end of the next business day. Del. Supr. Ct. R. 11(a).

to the notice to show cause. Dismissal of the appeal is therefore deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor
Justice